IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 10364 of 2004

Between:

R.Eshwaraiah, S/o Akkaiah,
R/o Nagaram Village, Keesara Mandal, Ranga Reddy District.

.....
PETITIONER

AND

1 The Secretary, Regional Transport Authority, Ranga Reddy District at Hyderabad.
2 The Motor Vehicle Inspector, Keesara, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order, direction or Writ more particularly a Writ of Mandamus declaring the action of the respondents in seizing the Tractor and Trailer bearing No.AP 28-H-45, AP 28-H-47 respectively under check report No.1132381, dated 10-1-2004 pending enquiry as arbitrary and illegal and direct the respondents to release the Tractor and Trailer bearing No.AP 28-H-45, AP 28-H-47 respectively under check report No.1132381, dated 10-1-2004, pending enquiry in the interest of justice.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court Made the Following :

O R D E R:

The petitioner's Tractor and Trailer bearing No. AP-28-H-45 and AP-28-H-47 were seized by the second respondent vide check

report No.1132381 dated:10-1-2004 on the ground that the vehicle was plying without Registration Certificate, Tax Receipts and driving license etc. Therefore the vehicle was seized and produced before the first respondent.

The learned counsel for the petitioner submitted that though the petitioner submitted an application dated: 22-1-2004 before the first respondent for granting interim custody of the vehicle, no orders have been passed by the first respondent so far. There is no benefit in keeping the vehicle in question in the custody of the first respondent, which will be exposed to sun and rain causing damage. Therefore, a direction can be given to the first respondent to grant interim custody of the vehicle in question to the petitioner with some conditions.

In the result, the first respondent is directed to grant interim custody of the vehicle in question to the petitioner on his depositing a sum of Rs.5,000.00 (Rs. Five thousand only) with the following conditions.

i) that the vehicle in question shall not be alienated or transferred to any other person;

ii) that the vehicle shall be produced as and when required by the concerned authority; and

iii) that the amount deposited shall be adjusted, if the authority found that the petitioner violated the provisions of the Motor Vehicles Act and Rules framed there under.

Accordingly the writ petition is disposed of.

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K.C.BHANU, J.

24—6—2004

BVS

To

To

1. The Secretary, Regional Transport Authority, Ranga Reddy District at Hyderabad.
2 . The Motor Vehicle Inspector, Keesara, Ranga Reddy District.
3.2CCs to GP for Transport, High Court Buildings, Hyderabad

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2.2CD copies